

*Ten Mistakes People Make
When Dealing With Doctors
After an Injury*

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Ten Mistakes People Make When Dealing With Doctors after an Injury

1. Failing to Seek Immediate Medical Attention after a Traumatic Event

The victim is always responsible for proving that he or she was injured in a particular incident. Insurance companies and juries often believe that if you aren't hurt badly enough to seek immediate medical attention, you aren't hurt badly enough to deserve compensation. Don't ignore signs of pain, even small ones. See a doctor as soon as possible, as minor injuries can always get worse. You don't want the first words the insurance attorney says to the jury to be, "He didn't even see a doctor for two weeks."

2. Failing to Fully Disclose Your Health History and Habits to Your Doctor

A health care provider will usually ask if you had any injury or sickness before your current problem. It is important to be honest when answering this type of question. Doctors use past medical history to diagnose and treat you. Providing incomplete information can impact the quality of the medical care you receive. Concealing prior injury or sickness from your doctor will also hurt your legal case. If you provide your doctors with incomplete information, their medical opinions could be rejected by insurance companies and juries. The same advice goes for describing the accident. Don't tell your doctor the car was "totaled" if it was only scratched. The insurance company's attorney will destroy our credibility with that contradiction.

3. Talking With Your Doctor About Lawsuits or a Lawyer's Advice

A doctor's job is to focus on your medical condition. In order to do that job, a doctor does not have to know about your lawsuit or your lawyer. Sharing your legal issues or concerns with a medical care provider should be unnecessary. Most doctors do not want to be involved in a lawsuit. If you tell a doctor he or she is treating an injury that is the subject of a lawsuit, it could impact the willingness to provide treatment or reach important conclusions. Remember that whatever you say in confidence to a doctor is not confidential at all once you file a personal injury claim.

4. Missing or Showing up Late for Medical Appointments

Insurance companies and juries get to see your medical records. When you skip a medical appointment, your record just says “DNS” which means “did not show.” Excuses — no matter how valid — usually do not make it into the record. More than one or two “DNS” entries could make it look like you were not committed to getting better. Skipping medical appointments or showing up late could also irritate your doctor. Irritated doctors do not make good witnesses for their patients. If you need to cancel — call in advance and reschedule. You don’t want the insurance company’s lawyer saying, “It must not have hurt that much, he didn’t even show up for his appointments.”

5. Failing to get Your Pain Accurately Documented in Medical Records

Insurance companies and juries will not believe that you are in pain just because you say so. They need to read about your pain in your medical records. When insurance companies and juries review your records, they will be looking to see how soon you reported pain after an injury and how long you continued to report that pain. One effective way to help make sure your specific pain and limitations do make their way into a busy doctor’s chart is to write it out beforehand and give it to him at your office visit. Again, don’t exaggerate.

6. Failing to inform Your Doctor if Your Injury Is Affecting Your Ability to Work

Insurance companies and juries will not believe that your injury affects your ability to work just because you say so. If your injury is affecting your ability to work, it is important to mention such a problem to your health care provider. Work problems caused by injury may be treatable and they should be noted in your medical records. Again, keeping notes that you give to the doctor at your office visits can be a good idea.

7. Failing to Take Medications as Prescribed

There is a reason why doctors prescribe a particular type of medication for a particular time period. You should follow your doctor’s recommendation until your doctor tells you something different. If you think a medication is making your muscles ache or your stomach hurt, say so; side effects are not rare, and your doctor can usually switch you to another drug. Don’t put yourself in the position where you have to admit that you chose not to follow your doctor’s advice. This can be devastating to your claim.

8. Stopping Medical Treatment Too Soon

Insurance companies and juries often believe if a person stops seeking medical treatment for an injury, the injury must be healed. They also believe that significant gaps between treatments suggest that you healed from one injury and must have suffered a new one unrelated to the first. If you have an injury that is affecting your ability to function, you should seek medical treatment until you are healed or until a doctor tells you that there is nothing more that can be done to improve your condition. If you are still suffering and your doctor tells you to “come back as needed” or “call me if you have any problems,” you should ask how long you should wait to call if you continue to have the same level of pain and disability.

9. Failing to Follow Treatment Recommendations Related to Depression or Anxiety

Often pain and/or disability can trigger depression and anxiety. Psychological conditions like depression and anxiety are just as real as broken bones. They cannot be overcome without appropriate treatment. A person who causes another person physical injury is also responsible for resulting psychological conditions. Insurance companies and juries usually only compensate victims of injury-related depression and anxiety if those conditions are properly diagnosed and treated by medical professionals.

10. Failing to Keep a File

It is important that your lawyer knows every medical care provider that you see after an injury. It is also important that you keep track of all doctor orders, treatment referrals and/or work restrictions. Keeping a file of all materials provided to you by health care providers and insurance companies will ensure that you can provide all necessary information to your lawyer at the appropriate time.